

AMENDED IN ASSEMBLY JUNE 10, 2003

AMENDED IN SENATE MAY 13, 2003

**SENATE BILL**

**No. 181**

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**Introduced by Senator Machado**

February 12, 2003

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An act to amend Section 116287 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 181, as amended, Machado. Drinking water: requirements: notice.

Existing law, commonly referred to as the California Safe Drinking Water Act, prohibits certain water districts, as defined, from being considered to be a public water system if the State Department of Health Services makes a prescribed determination. Existing law requires the department, for purposes of the above provisions under which determinations are made regarding whether a system or water district is a public water system, to place certain requirements on affected water systems, utilize certain criteria in making determinations, and monitor and review certain conditions of a water system or water district periodically. Existing law authorizes the department to prescribe reasonable, feasible, and cost-effective actions to be taken by water systems, water districts, and users subject to these provisions.

This bill would provide that a notice *of noncompliance* that states the requirements and actions prescribed by the department under the above provisions, describes the real property to which these requirements and actions apply, and names the record owners of that real property, may be recorded by the affected public water system or water district in the

county where the real property is located. It would specify that recordation *and proper indexing* would provide constructive notice of these requirements and actions *and would not constitute a title defect, lien, or encumbrance. It would also require the public water system or water district to provide notice of the recordation to the record owners of the real property, as specified, and to record a subsequent notice of compliance when the public water system or water district determines that the prescribed requirements have been met.* The bill would also require a water district subject to the above provisions to annually publish a notice in a newspaper of general circulation describing any requirements and actions prescribed by the department to be taken by the water district and any record of compliance by the water district with these requirements and actions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 116287 of the Health and Safety Code
- 2 is amended to read:
- 3 116287. (a) The department, in implementing subdivision (s)
- 4 of Section 116275 and Section 116286, shall place requirements
- 5 on affected public water systems and water districts that are
- 6 consistent with this chapter and the guidelines established by the
- 7 United States Environmental Protection Agency for implementing
- 8 comparable provisions of the federal Safe Drinking Water Act of
- 9 1996.
- 10 (b) The department, in making the determinations specified in
- 11 paragraphs (2) and (3) of subdivision (s) of Section 116275 and
- 12 subdivisions (a) and (b) of Section 116286, shall utilize criteria
- 13 that are consistent with this chapter and those used by the United
- 14 States Environmental Protection Agency in administering the
- 15 comparable provisions of the federal Safe Drinking Water Act.
- 16 (c) The department shall periodically monitor and review the
- 17 conditions under which a public water system, or a water district
- 18 as defined in subdivision (b) of Section 116286, has met the
- 19 requirements of this chapter pursuant to subdivision (s) of Section
- 20 116275 or Section 116286, or pursuant to the federal act, to ensure
- 21 that the conditions continue to be met.



(d) The department may prescribe reasonable, feasible, and cost-effective actions to be taken by a public water system, water district, as defined in subdivision (b) of Section 116286, or users subject to subdivision (s) of Section ~~116275~~ 116275 or Section 116286 to ensure that alternative water or treated water provided by the water systems, water districts, or users pursuant to Section 116275 or 116286 will not be injurious to health.

(e) A notice *prominently titled “Notice of Noncompliance with Safe Drinking Water Requirements” at the top of the document* that states the requirements and actions prescribed by the department under subdivisions (a) and (d), describes the real property *by assessors parcel number or legal description* to which these requirements and actions apply, and names the record owners of that real property, may be recorded by the affected public water system or water district in the county where the real property is located. *Recordation and proper indexing, as prescribed by law, shall provide constructive notice of these requirements and actions and shall not constitute a title defect, lien, or encumbrance. The public water system or water district shall provide notice of this recordation to the record owners of the real property by first-class mail, postage prepaid, to the address as shown on the latest county assessment roll. If the public water system or water district later determines that the record owners of the real property have complied with the requirements and actions prescribed by the department, the public water system or water district, within 10 days of that determination, shall record a subsequent notice titled “Notice of Compliance with Safe Drinking Water Requirements” that states that the “Notice of Noncompliance with Safe Drinking Water Requirements” has no further force or effect.*

(f) A water district subject to this section shall annually publish a notice in a newspaper of general circulation describing any requirements and actions prescribed by the department to be taken by the water district and any record of compliance by the water district with these requirements and actions.

(g) This section shall not relieve a water district from complying with any other provisions of law.